

**AMENDMENT NO. 1 TO
PROFESSIONAL SERVICES AGREEMENT
WITH GRAFFITI PROTECTIVE COATINGS, INC.**

This Amendment No. 1 to the Professional Services Agreement is made and entered into as of March 1, 2023 ("Effective Date") by and between the City of Upland, a municipal corporation ("City") and Graffiti Protective Coatings, Inc., a California corporation ("Contractor"). City and Contractor are sometimes referred to herein individually as a "Party" and collectively as "Parties."

RECITALS

A. WHEREAS, the City and the Contractor have entered into an agreement, dated February 24, 2020 for the purpose of providing graffiti removal services (the "Original Agreement").

B. WHEREAS, pursuant to Section 1 of the Original Agreement, the City may extend the Original Agreement for up to three (3) additional terms of one (1) year.

C. WHEREAS, Section 1 of the Original Agreement also provides that the contract price may be adjusted at the beginning of each calendar year in accordance with the changes in the Consumer Price Index for all Urban Consumers in the Los Angeles-Anaheim-Riverside Area published monthly by the United State Bureau of Labor Statistics ("CPI")

D. WHEREAS, the Parties now desire to: (1) amend the Original Agreement in order to extend the term of the Original Agreement for an additional term of one year; (2) adjust the compensation rates of the Original Agreement; (3) and increase the total not-to-exceed compensation of the Original Agreement .

NOW, THEREFORE, in consideration of the above recitals and the mutual covenants, conditions, and promises contained in this Amendment No. 1 and the Original Agreement, the Parties mutually agree as follows:

AGREEMENT

1. Incorporation of Recitals. The recitals listed above are true and correct and are hereby incorporated herein by this reference.

2. Term. The term of the Original Agreement shall be extended for an additional term of one year through February 29, 2024 unless earlier terminated.

3. Compensation. The compensation for services performed pursuant to this Amendment No. 1 shall not exceed Eighty-Four Thousand Nineteen Dollars and Thirty Two Cents (\$84,019.32), thereby increasing the total not to exceed compensation of the Original Agreement to the amount of Three Hundred Twenty Four Thousand Seventy Four Dollars and Fifty Two Cents (\$324,074.52).

4. Amendment to the Schedule of Prices. The Schedule of Prices shall be replaced in its entirety by an amended Schedule of Prices, attached hereto to this Amendment No. 1 as Attachment "B-1" and incorporated herein by this reference.

5. Full Force. Except as amended by this Amendment No. 1, all provisions of the Original Agreement, including without limitation the indemnity and insurance provisions, shall remain in full force and effect and shall govern the actions of the Parties under this Amendment No. 1.

6. Electronic Transmission. A manually signed copy of this Amendment No. 1 which is transmitted by facsimile, email or other means of electronic transmission shall be deemed to have the same legal effect as delivery of an original executed copy of this Amendment No. 1 for all purposes. This Amendment No. 1 may be signed using an electronic signature.

7. Counterparts. This Amendment No. 1 may be signed in counterparts, each of which shall constitute an original.

[SIGNATURES ON FOLLOWING PAGE]

**SIGNATURE PAGE FOR
AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT
WITH GRAFFITI PROTECTIVE COATINGS, INC.**

IN WITNESS WHEREOF, the Parties hereto have executed this Amendment No. 1 on the Effective Date first herein above written.

CITY OF UPLAND

APPROVED BY:




Michael Blay
City Manager

ATTEST:



Keri Johnson, CMC, CPMC
City Clerk

APPROVED AS TO FORM:



Best Best & Krieger LLP
City Attorney

CONTRACTOR

**GRAFFITI PROTECTIVE COATINGS,
INC.**

APPROVED BY:

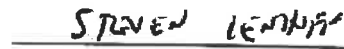


Carla Lenoff,
President

ATTESTED BY:



Signature



Name



Title

ATTACHMENT B-1

**SCHEDULE OF PRICES
FOR CITY WIDE GRAFFITI ABATEMENT SERVICES**

Weekly Service Days	Monthly Cost	Annual Cost
Seven (7)	\$7,001.61	\$84,019.32

- The pricing outlined in this Schedule of Prices shall be effective through February 29, 2024.
- Includes: ALL items as detailed in Exhibit "A" "Scope of Services" which includes ALL labor & materials and other cost